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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 EDWARD G. ARBERRY,

12 Petitioner,

13 v.

14 D. K. SISTO, Warden, et al.,

15 Respondents.  
16

Civil No. 08-0649 J (POR)

**ORDER DENYING IN FORMA  
PAUPERIS APPLICATION AND  
DISMISSING CASE WITHOUT  
PREJUDICE**

17 Petitioner, a state prisoner proceeding pro se, has not paid the \$5.00 filing fee and has  
18 filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, together with a request  
19 to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

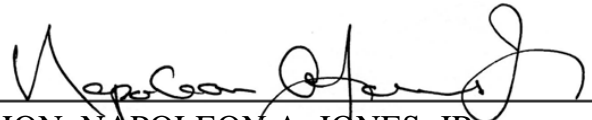
20 The request to proceed in forma pauperis is denied because Petitioner has not provided  
21 the Court with sufficient information to determine Petitioner's financial status. A request to  
22 proceed in forma pauperis made by a state prisoner must include a certificate from the warden  
23 or other appropriate officer showing the amount of money or securities Petitioner has on account  
24 in the institution. Rule 3(a)(2), 28 U.S.C. foll. § 2254; Local Rule 3.2. Petitioner has failed to  
25 provide the Court with the required Prison Certificate.

26 Accordingly, the Court **DENIES** the request to proceed in forma pauperis, and  
27 **DISMISSES** the case without prejudice. To have the case reopened, Petitioner must, no later  
28 than **June 16, 2008**, provide the Court with: (1) a copy of this Order together with the \$5.00

1 filing fee; or (2) a copy of this Order together with adequate proof that Petitioner cannot pay the  
2 \$5.00 filing fee. *For Petitioner's convenience, the Clerk of Court shall attach a blank Southern*  
3 *District in forma pauperis form, which includes the required Prison Certificate.*

4 **IT IS SO ORDERED.**

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6 DATED: April 18, 2008

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8 HON. NAPOLEON A. JONES, JR.  
9 United States District Judge  
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